

AMENDED IN ASSEMBLY JANUARY 24, 2008

AMENDED IN ASSEMBLY JANUARY 17, 2008

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1158

Introduced by Assembly Member Benoit

February 23, 2007

An act to amend Section 1340 of the Penal Code, relating to witnesses.

LEGISLATIVE COUNSEL’S DIGEST

AB 1158, as amended, Benoit. Witnesses: conditional examinations. Existing law authorizes the conditional examination of a witness who may be unavailable at trial for a specific reason.

This bill would allow the examination to be conducted through a contemporaneous, 2-way video conference system if the witness is so sick or infirm as to be unable to attend the examination in person, as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1340 of the Penal Code is amended to
2 read:
3 1340. (a) The defendant has the right to be present in person
4 and with counsel at the examination, and if the defendant is in
5 custody, the officer in whose custody he or she is, must be informed

1 of the time and place of the examination, and must take the
2 defendant thereto, and keep him or her in the presence and hearing
3 of the witness during the examination. ~~If~~

4 (b) *If the court determines that the witness to be examined is so*
5 *sick or infirm as to be unable to*~~attend~~ *participate in the*
6 *examination in person, the court may allow the examination*~~may~~
7 *to be conducted by a contemporaneous, two-way video conference*
8 *system, in which the parties and the witness can see and hear each*
9 *other via electronic communication.*

10 (c) *Nothing in this section is intended to require the court to*
11 *acquire two-way video conference equipment for these purposes.*